

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ROBERT JAMES THOMAS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-17-90-D
)	
JOSEPH K LESTER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 7] issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Upon initial screening of the Complaint, Judge Mitchell recommends the dismissal without prejudice of claims brought by Plaintiff Robert James Thomas on behalf of his minor son, H.L.T., and all claims brought against Defendant Cleveland County. Plaintiff has filed a timely written response [Doc. No. 12]. The Court must make a *de novo* determination of portions of the Report to which a specific objection is made, and may accept, modify, or reject the recommended decision. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

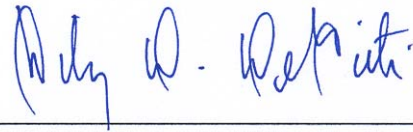
Plaintiff, a pretrial detainee appearing *pro se* and *in forma pauperis*, brings this civil rights action under 42 U.S.C. § 1983 challenging the visitation policy of the detention center in Cleveland County, Oklahoma, as a violation of his and his son's constitutional rights. Judge Mitchell finds that Plaintiff, who is not an attorney, cannot bring claims on behalf of another person and that Defendant Cleveland County is not a proper party.

In response, Plaintiff does not object to either of Judge Mitchell's findings. He expressly "agrees that Cleveland County should be removed as a defendant." *See* Pl.'s Resp. [Doc. No. 12] at 1. And although Plaintiff objects to the dismissal of his son's claims, he does not disagree with Judge Mitchell's analysis. Plaintiff instead takes the "opportunity to request the appointment of counsel." *Id.* Plaintiff argues that his claims, and the claims of other persons affected by the visitation policy, have merit but that he lacks the ability and resources to litigate the issues presented.

Upon consideration, the Court finds that Plaintiff has not raised any specific objection to Judge Mitchell's Report and thus no issue is presented for determination. The Court declines to consider Plaintiff's request for appointment of counsel at this early stage of the case, before service of any defendant has been made, and without a proper motion. Plaintiff previously filed a motion for appointment of counsel, which was denied by Judge Mitchell. *See* Order 4/19/17 [Doc. No. 10]. Plaintiff did not file a timely objection to the Order, as authorized by Fed. R. Civ. P. 72(a), and his present filing does not show any error in Judge Mitchell's ruling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 7] is ADOPTED. The claims brought on behalf of Plaintiff H.L.T. and all claims brought against Defendant Cleveland County are DISMISSED without prejudice.

IT IS SO ORDERED this 3rd day of May, 2017.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a large initial 'T' and 'D'.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE